

Message Text

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 3096

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E.O. 11652: N/A

TAGS: ETRN, AFSP, CA

SUBJECT: PRECLEARANCE - PRIVILEGES AND IMMUNITIES

REF: STATE 055680

1. BEFORE FORMAL PRESENTATION TO GOC OF PROPOSAL FOR GRANT OF NEW DUTY-FREE ENTRY PRIVILEGES FOR CONSULAR STAFF AND CUSTOMS PRE-CLEARANCE PERSONNEL, EMBASSY SEEKS DEPT'S FURTHER GUIDANCE AND INSTRUCTIONS RELATIVE TO BROAD RAMIFICATIONS SUCH GRANT WOULD INVOLVE. THESE RAMIFICATIONS INCLUDE FOLLOWING:

A. IF SUCH NEW PRIVILEGES WERE EXTENDED TO CONSULAR AND CUSTOMS PERSONNEL IN CANADA, ARGUMENT COULD BE MADE (AND WOULD BE MADE, EMBASSY BELIEVES) ON BASIS OF EQUITY THAT SAME PRIVILEGES BE EXTENDED TO ALL USG PERSONNEL, NOT JUST EMPLOYEES OF STATE AND TREASURY (EXCEPTION WOULD BE DOD EMPLOYEES AT MILITARY INSTALLATIONS COVERED BY SOFA). THESE ADDITIONAL PERSONNEL REPRESENT FOLLOWING AGENCIES, SOME OF THEM PHYSICALLY AT EMBASSY OR CONSULAR ESTABLISHMENTS AND SOME NOT: INS, IRS, USTS, AGR, DEA, FBI, NASA, ENLISTED AND CLERICAL PERSONNEL OF DAO AND MARINE SECURITY GUARDS. THERE ARE ALSO TWO INTERNATIONAL OFFICES WITH USG PERSONNEL, U.S. MISSION AT ICAO MONTREAL AND IJC WINDSOR. NONTITLED USG PERSONNEL NUMBER 180 AT PRESENT, OF WHOM 75 ARE CUSTOMS OFFICIALS (INS HAS LIMITED OFFICIAL USE

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38). THESE NUMBERS WILL OF COURSE INCREASE WITH ESTABLISHMENT

MORE PRE-CLEARANCE FACILITIES. IF SUCH PRIVILEGES ARE NOT GRANTED ALL USG PERSONNEL WITH ADMINISTRATIVE AND TECHNICAL FUNCTIONS, MORALE PROBLEM WILL CERTAINLY DEVELOP.

B. LOCATION OF SOME NON-TITLED USG PERSONNEL PHYSICALLY APART FROM DIPLOMATIC OR CONSULAR ESTABLISHMENTS WOULD POSE SUBSTANTIAL PROBLEM OF ADMINISTRATION AND CONTROL. WHILE SOME PERSONNEL ARE ONLY ACROSS TOWN FROM SUCH ESTABLISHMENTS, AS WITH CUSTOMS PRE-CLEARANCE OFFICIALS AT AIRPORTS, SOME ARE OR WILL BE IN CITIES WHERE THERE ARE NO POSTS, SUCH AS PRINCE RUPERT OR IN TIME EDMONTON. DUTY-FREE ENTRY PRIVILEGES WOULD ENTAIL WELL SUPERVISED ADMINISTRATIVE SUPPORT, WHICH WOULD REQUIRE ADDITIONAL EMPLOYEES, CERTAINLY AT OTTAWA, MONTREAL, AND TORONTO WHERE THERE IS ALREADY HIGH CONCENTRATION OF NON-TITLED PERSONNEL.

C. GRANT OF SOME PRIVILEGES COULD LEAD TO REQUESTS FOR OTHERS, SUCH AS FOR FREE AUTOMOBILE REGISTRATIONS AND DRIVERS LICENSES. IN SUCH EVENT, PROVINCIAL APPROVAL WOULD BE REQUIRED AND PROVINCIAL RESPONSES COULD BE EXPECTED TO VARY.

D. IMMUNITY OF FILES AND EQUIPMENT COULD PROBABLY BE MANAGED WITH MUCH LESS DIFFICULTY, AND EMBASSY BELIEVES REQUEST FOR SUCH GRANT WOULD BE REASONABLE AND WITHOUT OTHER RAMIFICATIONS SUGGESTED ABOVE.

E. PRELIMINARY AND UNOFFICIAL VIEW OF EXTAFF UNDER-SECRETARY RITCHIE IS ONE OF OPPOSITION TO SUCH INCREASE IN PRIVILEGES FOR GOVERNMENTAL EMPLOYEES ABROAD. CANADA HAS MORE OFFICIAL PERSONNEL EMPLOYED IN US THAN VICE VERSA.

F. GUIDANCE REQUESTED.
PORTER

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